

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

BACKERTOP LICENSING LLC,

Plaintiff,

v.

CANARY CONNECT, LLC,

Defendant.

Civil Action No.: 1:22-cv-00572-CFC

BACKERTOP LICENSING LLC,

Plaintiff,

v.

AUGUST HOME, INC.,

Defendant.

Civil Action No.: 1:22-cv-00573-CFC

**PLAINTIFF’S MOTION TO SET ASIDE MEMORANDUM
ORDER OF MARCH 31, 2023**

Plaintiff Backertop Licensing LLC hereby respectfully moves the Court to withdraw its Memorandum Order (the “Order”) issued March 31, 2023 in the above captioned cases on the grounds that these cases are dismissed pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure and the Court therefore lacks jurisdiction to enter the Order; the Order is overly broad; the Order calls for production of documents and communications that are outside the scope and are not related to matters that are collateral to the above-captioned cases; and the Order calls for production of documents and communications that are covered under privilege.

The basis for the Motion is detailed in Plaintiff’s Memorandum being concurrently filed herewith.

Dated: April 3, 2023

Respectfully submitted,

Of counsel:

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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on April 3, 2023 to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system.

/s/ Jimmy Chong
Jimmy Chong

CERTIFICATE OF CONFERENCE

The undersigned certifies that counsel for the Plaintiff conferred with counsel for August Home, Inc. on March 31 and April 2 of 2023, and with counsel for Canary Connect LLC on March 31 and April 3 of 2023, regarding this motion. Each indicated no opposition to this motion.

/s/ Jimmy Chong
Jimmy Chong